

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

BLESSING ADELEKE,

Defendant.

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CASE NO. 1:20-cr-00441

ORDER

[Resolving Doc. 93]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

A jury convicted Defendant Blessing Adeleke of seventeen counts of bank fraud and conspiracy to commit bank fraud.¹ The Court sentenced Defendant to a term of 37 months for each count, with the terms to run concurrently and with credit for time served.² Defendant appealed his criminal judgment.³ Adeleke's appeal is currently pending.

After filing his appeal, Defendant moved for "entry of an Order Enforcing his Judgment" to ensure that he receives credit for time he spent in foreign custody.⁴ Later in reply, Defendant reframed his request and instead asked the Court to construe his motion as seeking to correct a clerical error in his criminal judgment.⁵

Filing a notice of appeal "divests the district court of its control over those aspects of the case involved in the appeal."⁶ When a criminal defendant appeals his judgment, this

¹ Doc. 77 at 1–2.

² *Id.* at 3.

³ Doc. 81.

⁴ Doc. 93.

⁵ Doc. 95.

⁶ *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982).

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principle means that, not only does the district court lack authority to modify the judgment, but it also lacks authority over the defendant's conviction and sentence.⁷

Because Defendant's motion seeks to modify his judgment and sentence, the Court does not have the power to address the motion due to the pending appeal—only the Sixth Circuit currently has the power to modify them. For that reason, the Court **DENIES** Defendant's motion without prejudice to Adeleke's ability to seek relief with regards to the calculation of credit for time served after the Sixth Circuit decides his appeal.

IT IS SO ORDERED.

Dated: August 29, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ *United States v. Carman*, 933 F.3d 614, 617 (6th Cir. 2019)